

TEMPORARY

No. 71264-T

TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUN 01 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 28 2003 under 70208-T

The applicant **United States of America, Fish and Wildlife Service**, hereby makes application for permission to change the **place of use of a portion** of water heretofore appropriated under **Permit No. 61129 and Truckee Carson Irrigation District Serial Nos. 980, 980-2, 980-4, 980-5, 980-6, 980-8, 980-9 and 980-10, United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No 3; United States of America v. Alpine Land and Reservoir Co., No. D-183-BRT; both in the United States District Court of Nevada.**

1. The source of water is **Truckee and Carson Rivers**
2. The amount of water to be changed **2,436.85 acre-feet (815.00 acres @2.99 acre-feet per acre)**
3. The water to be used for **Maintenance of Wetlands for Recreation and Wildlife/Storage**
4. The water heretofore permitted for **As decreed.**
5. The water is to be diverted at the following point **Lahontan Dam, being within the SW¹/₄ SE¹/₄, Section 33, T19N, R26E, M. D. B. &M.**
6. The existing permitted point of diversion is located within **No change.**
7. Proposed place of use **All Federally-owned or controlled lands within the approved boundary of Stillwater National Wildlife Refuge, as described in Exhibit "A" and supporting map filed with Serial No. 65700.**
8. Existing place of use see Exhibit "B", attached hereto, and supporting map filed with Serial No. 70208 T.
9. Use will be from **As decreed.**
10. Use was permitted from **As decreed..**
11. Description of proposed works **No new diversions or storage works on the Truckee River and the Carson River will be constructed.**
12. Estimated cost of works **N/A**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **N/A**
15. Remarks: **Applicant expressly reserves the right to transfer in a later proceeding: 0.51 acre-feet for each of the 815.00 acres from which the 2.99 acre-feet per acre are to be transferred by this application.**

By: **s/Richard P. Grimes**
Richard P. Grimes, Project Leader
Nevada Realty Field Office
U. S. Fish and Wildlife Service
1000 Auction Road
Fallon, NV 89406

Compared ag/cmf/ag/sam
Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the place of use of a portion of the waters of the Truckee and Carson Rivers as set forth in the Truckee and Carson River Final Decrees and as set forth under Permit 61129, Certificate 15567, which changed the place of use of a portion the Newlands Reclamation Project rights in the Truckee River Final Decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit is expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due the same as if the water were still appurtenant to the agricultural land from which it is transferred, pursuant to NRS 533.370, subsection 1 (b).

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **November 15, 2004** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **2436.85 acre-feet as decreed**.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **23rd** day of **July**, A.D. **2004**


State Engineer

EXPIRED

NOV 15 2004

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Exhibit "A"

7. The proposed place of use is Stillwater National Wildlife Refuge, consisting of all Federally-owned or Federally-controlled lands within:

Township 21 North, Range 32 East, Mount Diablo Meridian

Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34

Township 21 North, Range 31 East, Mount Diablo Meridian

Sections: All

Township 20 North, Range 32 East, Mount Diablo Meridian

Sections: 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 29 and 30

Township 20 North, Range 31 East, Mount Diablo Meridian

Sections: All

Township 19 North, Range 31 East, Mount Diablo Meridian

Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32 and 33

Township 19 North, Range 30 East, Mount Diablo Meridian

Section 13: all those portions of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Stillwater Slough

Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$

Exhibit "B"

8. The existing place of use:

Township 18 North, Range 29 East, Mount Diablo Meridian

Section 1:	33.30 acres in the SW1/4 SW 1/4	
Section 2:	32.20 acres in the SW1/4 SE 1/4 36.00 acres in the SE 1/4 SE1/4	(includes 5.70 acres from 61129) (includes 8.10 acres from 61129)
Section 4:	6.10 acres in the NE1/4 NE1/4 22.10 acres in the SW1/4 NE 1/4 25.60 acres in the NW1/4 SE1/4 3.00 acres in the NE1/4 SE1/4 30.50 acres in the SW1/4 SE1/4 26.70 acres in the SE1/4 SE1/4	(includes 5.50 acres from 61129) (includes 6.80 acres from 61129) (includes 17.80 acres from 61129) (includes 5.20 acres from 61129)
Section 9:	1.60 acres in the SE1/4 NE1/4	
Section 10:	0.60 acres in the NW1/4 NW1/4 27.30 acres in the NE1/4 NW1/4 0.70 acres in the SW1/4 NW1/4 22.30 acres in the SE1/4 NW1/4 27.30 acres in the NW1/4 NE1/4 32.70 acres in the SW1/4 NE1/4	(includes 0.40 acres from 61129) (includes 27.30 acres from 61129) (includes 22.30 acres from 61129) (includes 27.30 acres from 61129) (includes 32.70 acres from 61129)
Section 11:	1.00 acres in the NE1/4 NW1/4 14.50 acres in the NW1/4 NE1/4 22.90 acres in the NE1/4 NE1/4 14.80 acres in the NE1/4 SW1/4 36.90 acres in the NW1/4 SE1/4 38.70 acres in the NE1/4 SE1/4 17.70 acres in the SW1/4 SE1/4 33.30 acres in the SE1/4 SE1/4	(includes 3.80 acres from 61129) (includes 6.70 acres from 61129) (includes 2.20 acres from 61129) (includes 1.40 acres from 61129)
Section 25:	2.20 acres in the NW1/4 NW1/4 23.40 acres in the SW1/4 NW1/4 8.20 acres in the NW1/4 NE1/4 15.30 acres in the SW1/4 NE 1/4 17.50 acres in the NE1/4 SW1/4	(includes 4.40 acres from 61129)
Section 26:	20.60 acres in the SE1/4 NW1/4 17.70 acres in the SW1/4 NE1/4 18.40 acres in the SE1/4 NE1/4	

Exhibit "B", continued

Section 26: 37.10 acres in the NE1/4 SW1/4
 35.10 acres in the SE1/4 SW1/4
 37.70 acres in the NW1/4 SE1/4
 38.10 acres in the NE1/4 SE1/4
 35.90 acres in the SW1/4 SE1/4

A total of 815.00 acres.

(includes 172.40 acres from 61129)